

AUTHORITY

China - Central Authority & practical information

Central Authority(ies):

Ministry of Justice, Department of Judicial Assistance and Cooperation, Division of Judicial Assistance

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Languages spoken by staff:	Chinese, English

Practical Information:

(The following information was provided by the relevant State authorities or was obtained from the replies to the 2003 Service Convention Questionnaire)

Guide to filling out the Model Form, and FAQs (drawn up by the Chinese Ministry of Justice):	The Guide is available here. The FAQs are available here.
Forwarding authorities (Art. 3(1)):	The Ministry of Justice, Higher People's Court and five province authorities: Beijing, Shanghai, Jiangsu, Zhejiang and Guangdong.

Methods of service (Art. 5(1)(2)):	<p><i>Formal Service</i> (Art. 5(1)(a)) The Central Authority of China refers the document to the competent court. The court will serve the document directly to the addressee or the person who is entitled to receive the document. Where direct service is impracticable in some cases, other methods may be employed in accordance with the Civil Procedure Law.</p> <p><i>Informal delivery</i> (Art. 5(2)) There is no such method in the Chinese domestic law, and the addressee may refuse to accept it in any case.</p> <p><i>Service by a particular method</i> (Art. 5(1)(b)) In such cases, the Central Authority of China forwards the documents to the competent court. The competent court may execute the service to the extent not contrary to Chinese domestic law.</p>
Translation requirements (Art. 5(3)):	According to the Civil Procedure Law of the People's Republic of China, service requested within the meaning of Art. 5(1) of the Convention requires that all documents and evidence to be served must be written in Chinese or that a translation in Chinese be attached thereto, unless there are contrary prescriptions in the mutual treaties between China and other Contracting States of the Hague Convention.
Costs relating to execution of the request for service (Art. 12):	Charges are incurred on a reciprocal basis and at the equivalent amount.
Time for execution of request:	Within three to four months.
Oppositions and declarations (Art. 21(2)):	Click here to read all the declarations and reservations made by China under this Convention.
Art. 8(2):	Opposition
Art. 10(a):	Opposition
Art. 10(b):	Opposition
Art. 10(c):	Opposition
Art. 15(2):	Declaration of applicability
Art. 16(3):	Declaration of applicability

<p>Derogatory channels (bilateral or multilateral agreements or internal law permitting other transmission channels) (Arts. 11, 19, 24 and 25)</p> <p>Disclaimer: <i>Information may not be complete or fully updated – please contact the relevant authorities to verify this information.</i></p>	<p>http://english.legalinfo.gov.cn/2015-06/04/content_20908416.htm</p>
<p>Useful links:</p>	<p>http://english.legalinfo.gov.cn/judicialassistance.html</p>

(This page was last updated on 27 June 2018)

This page was last updated on: 07 June 2018

Conventions (incl. Protocols and Principles)

Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters [14]